



**DEPARTMENT OF PERSONNEL**

209 E. Musser Street, Room 101  
Carson City, Nevada 89701-4204  
(775) 684-0150  
[www.state.nv.us/personnel/](http://www.state.nv.us/personnel/)

**MEMO PERD # 36/05**  
September 19, 2005

TO: Nevada County Libraries  
State Library and Archives

FROM: Jeanne Greene, Director  
Department of Personnel

SUBJECT: NOTICE OF WORKSHOP AND HEARING - Amendments to NAC 284

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The regulation changes included with this memorandum are being proposed for permanent adoption at the November 8, 2005, Personnel Commission meeting. This meeting will be held at 8:00 a.m. in Carson City at the Legislative Building, 401 South Carson Street, Room 4100. A videoconference link will also be available in Las Vegas at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412.

In order to review the proposed changes in the regulations and solicit comments from interested persons, a workshop will be held at 8:30 a.m. on October 11, 2005, in Carson City at the Legislative Building, 401 South Carson Street, Room 4100. A videoconference link will also be available in Las Vegas at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412. The informational note preceding each regulation explains the nature and purpose of the proposed amendment to the regulation.

Enclosed is a copy of the *Notice of Workshop to Solicit Comments on Proposed Regulations, Notice of Hearing* and the text of the proposed regulations. We are asking libraries to post this information to inform the public of the workshop and hearing.

JG:sq



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**NOTICE OF WORKSHOP  
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS AND  
NOTICE OF HEARING  
FOR THE AMENDMENT OF  
REGULATIONS OF THE STATE PERSONNEL DEPARTMENT**

**Workshop Notice:** The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0119, is proposing the adoption and amendment of regulations pertaining to Chapter 284 of the Nevada Administrative Code.

A workshop has been set for 8:30 a.m. on October 11, 2005, at the Legislative Building, 401 South Carson Street, Room 4100 in Carson City, Nevada. A videoconference link will also be available at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412 in Las Vegas, Nevada.

**REGULATIONS PROPOSED FOR PERMANENT ADOPTION**

**Action – Regulations Proposed for Permanent Adoption**

Computation of time.  
Limitation of competition in recruitment; applications.  
Active lists: Removal and reactivation of names; refusal to consider certain persons.  
Preparation, filing and discussion of reports; duties of employees; requests for review; grievances.

**NAC REGULATION**

NAC 284.116  
NAC 284.313  
NAC 284.374  
NAC 284.470

**ATTENDANCE AND LEAVES**

**Action – Regulations Proposed for Permanent Adoption**

Attendance required.  
“Care” defined.  
Workweeks and workdays; periods for rest and meals.  
Time sheets.  
Annual leave: Long-term employees.  
Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation; part-time employees.  
Annual leave: Written request; approval or denial; authorized use.  
Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer.  
Sick leave: Part-time employees.  
Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.  
Sick leave: Unused credit.  
Sick leave: Repayment of benefits upon reinstatement of dismissed employee.

New Section  
NAC 284.5231  
NAC 284.524  
NAC 284.5255  
NAC 284.538  
NAC 284.5385  
NAC 284.539  
NAC 284.5405  
NAC 284.542  
NAC 284.544  
NAC 284.546  
NAC 284.548

Sick leave: Credit upon rehiring, reemployment or transfer.	NAC 284.551
Sick leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees.	NAC 284.552
Sick leave: Illness in employee's immediate family.	NAC 284.558
Sick leave: Placing employee on sick leave.	NAC 284.568
Catastrophic leave: Interpretation of certain statutory terms.	NAC 284.575
Catastrophic leave: Use and administration; appeal of denial.	NAC 284.576
Leave of absence without pay.	NAC 284.578
Family and medical leave: Maximum amount in 12-month period; eligibility.	NAC 284.5811
Civil leave with pay to serve on a jury or as a witness.	NAC 284.582
Civil leave with pay to vote.	NAC 284.586
Administrative leave with pay.	NAC 284.589
Computation of leave for exempt classified and unclassified employees.	NAC 284.5895
Unauthorized absences.	NAC 284.594
Breaks in continuous service.	NAC 284.598

### **Action – Regulations to be repealed**

Definitions.	NAC 284.523
“Continuing treatment” defined.	NAC 284.5232
“Eligible employee” defined.	NAC 284.5233
“Family and medical leave” defined.	NAC 284.5234
“Family and Medical Leave Act” defined.	NAC 284.52345
“Intermittent leave” defined.	NAC 284.5236
“Reduced leave” defined.	NAC 284.5238
“Serious health condition” defined.	NAC 284.5239
Employees required to report absences.	NAC 284.590

## **DISABILITIES RELATED TO WORK**

### **Action – Regulations Proposed for Permanent Adoption**

Definitions.	NAC 284.600
Physical assessments.	NAC 284.6002
Temporary assignment: Conditions for offer; termination; additional assignments.	NAC 284.6004
Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority.	NAC 284.6008
Temporary assignment: Effect of family and medical leave.	NAC 284.6012
Determination of date on which employee sustained permanent disability related to work.	NAC 284.6013
Eligibility of employee with permanent disability for reemployment.	NAC 284.6014
Risk management division to provide certain information regarding permanent disability of employee to department of personnel and appointing authority.	NAC 284.6015
Limitations on eligibility for reemployment of person with permanent disability.	NAC 284.6019

### **Action – Regulations to be repealed**

Temporary assignment: Compensation; effect of duties assigned.	NAC 284.6006
Temporary assignment: Accommodation of limitations or restrictions on employee's ability to work; duties of appointing authority; requirement of medical examination under certain circumstances.	NAC 284.601
Family and medical leave for certain disabled employees.	NAC 284.6016

## SEPARATIONS FROM SERVICE

### Action – Regulations Proposed for Permanent Adoption

Resignations.	NAC 284.602
Separation for physical, mental or emotional disorder.	NAC 284.611
Layoffs: Procedure.	NAC 284.614
Layoffs: Voluntary demotions.	NAC 284.618
Layoffs: Notice.	NAC 284.626
Layoffs: Reemployment.	NAC 284.630
Layoffs: Calculation of seniority.	NAC 284.632

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Department of Personnel offices at 209 East Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0119, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

**Hearing Notice: The Personnel Commission will hold a public hearing at 8:00 a.m. on November 8, 2005,** in Carson City at the Legislative Building, 401 South Carson Street, Room 4100. A videoconference link will also be available in Las Vegas at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations. If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and the purpose of the proposed regulations precedes the text of each regulation included in the attached document.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Shelley Blotter, Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204.

**Written submissions must be received by the Department of Personnel on or before October 18, 2005.** A copy of this notice and the regulations to be amended will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted or amended will be available at the Department of Personnel, 209 East Musser Street, Room 300, Carson City, Nevada, or at the Department of Personnel, 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code that is proposed for amendment. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principle reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted at the following locations:

**CARSON CITY**

Blasdel Building, 209 East Musser Street  
Nevada State Library and Archives, 100 Stewart St.  
Capitol Building, Main Floor  
Legislative Building, 401 South Carson Street

**Department of Personnel Web Site [www.dop.nv.gov](http://www.dop.nv.gov)**

**ALL STATE AGENCIES**

**ALL NEVADA COUNTY PUBLIC LIBRARIES**

**LAS VEGAS**

Grant Sawyer State Office Building  
555 East Washington Avenue

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**NOTE:**      *We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Debra Berry at (775) 684-0110, no later than five working days prior to the meeting.*

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## REGULATIONS PROPOSED FOR PERMANENT ADOPTION

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies that this method of computation is only used for service time prior to March 6, 1999. This method of computing time was used when the Department had the Legacy payroll system in place.

**NAC 284.116 Computation of time.** (NRS 284.065) ~~[In computing a period of time mentioned in this chapter]~~ *For purposes of this chapter, when computing a period of time prior to March 6, 1999*, the day of the act or event from which the period begins is not counted and the last day is counted unless the last day is a Saturday, Sunday or state holiday. If the last day is a Saturday, Sunday or state holiday, the period ends on the next day that is not a Saturday, Sunday or state holiday. *When computing a period of time from March 6, 1999 forward, all actions are effective at 8:00 a.m. on the specified effective date.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, accommodates the new procedure for announcements posted "Until Recruitment Needs Are Satisfied". The Department of Personnel has changed these announcements. We no longer give one-week official notice that the recruitment will close. The recruitments instead close within 2 business days of notification by the agency.

**NAC 284.313 Limitation of competition in recruitment; applications.** (NRS 284.065, 284.155, 284.295)

1. Except as otherwise provided in this subsection, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria or conditions for the class or position as specified in the publicized job announcement. The publicized job announcement may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list.
2. It is the responsibility of an applicant to apply for any recruitment for which he is interested. Future vacancies may be filled from the results of appropriate prior recruitments.
3. Each applicant must submit an application as specified in the publicized job announcement. The application must be received not later than 5 p.m. on the ~~[final date specified in the publicized job announcement]~~ *closing date*.
4. The incomplete or improper completion of an application that affects the ability of the Department of Personnel to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.
5. If a recruitment produces a sufficient number of applicants, the Department of Personnel may, as an additional phase of the process of examination, approve the obtaining of supplemental information from each applicant to assess his qualifications if the publicized job announcement includes notice that such supplemental

information may be required. Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.

6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current state employees who:
  - (a) Have served at least 6 months of continuous full-time equivalent service in a probationary, special disabled, emergency, provisional or permanent status, or any combination of these, in the classified service.
  - (b) Are working in the division, department or state service which is specified in the publicized job announcement.
7. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.
8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he is not currently employed. The prior appointment must have been in the division, department or state service which is specified in the publicized job announcement.
9. Applications and accompanying documents are the property of the Department of Personnel.  
[Personnel Div., Rule IV § F, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 8-1-91; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.318)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Transportation, limits people who have permanent restrictions from being considered from hiring lists where they could not perform the essential functions of the position.

**NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons.** (NRS 284.065, 284.155, 284.250, 284.295)

1. The names of eligible persons will be removed from the active lists for any of the following causes:
  - (a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.
  - (b) Expiration of the term of eligibility.
  - (c) Separation of a person who is eligible for promotion from the state service.
  - (d) Failure by an eligible person to respond within the required time to an inquiry of availability.
  - (e) A statement by the eligible person that he is not willing to accept any type of appointment from the eligible list.
  - (f) Any of the causes listed in NRS 284.240 pursuant to which the Director may refuse to examine or certify an eligible person, failure to disclose convictions as required by NAC 284.321 or, if the employee has been laid off, reemployment pursuant to subsection 5 of NAC 284.630.

2. An appointing authority need not consider an eligible person more than three times from a recruitment. Consideration of an applicant for other than full-time permanent positions must not be counted for the purposes of this subsection.
  3. ***An appointing authority need not consider an otherwise eligible person who is unable to perform the essential functions of the position, with or without reasonable accommodation.***
- [3]4. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or, if it is contested, on the date the hearing officer issues his final decision upholding a suspension, demotion or termination. If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his personnel file which led to the removal of the employee from consideration. The appointing authority may not make its selection:
- (a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or
  - (b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.
- [4]5. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the Commission pursuant to NAC 284.375.
- [5]6. An eligible person whose name has been removed from an active list may request that his name be reactivated by stating his reasons for the request. If the Department of Personnel determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his name may be reactivated.
- [Personnel Div., Rule V § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 12-26-91; 7-1-94; 8-16-96, eff. 10-1-96; A by Personnel Comm'n by R069-02, 8-14-2002; R182-03, 1-27-2004)



**Explanation of Proposed Change:** The amendment to subsection 4, proposed by the Department of Cultural Affairs, allows an appointing authority to file a performance evaluation for an employee for a previous review period when information becomes available after the evaluation period that would have effected the rating.

The amendment to subsection 8, recommended by the Employee Management Committee, allows an employee 10 days to respond to any additional comments added to the employee's performance evaluation.

**NAC 284.470 Preparation, filing and discussion of reports; duties of employees; requests for review; grievances.** (NRS 284.065, 284.155, 284.340, 284.384)

1. A person shall not complete a report on performance unless he has completed the training provided or approved by the Director concerning the preparation of a report on performance.
2. A report on performance must be prepared on the form prescribed by the Department of Personnel.
3. A report on performance must be filed at the times prescribed by NRS 284.340, but may be filed more frequently at the discretion of the supervisor of the employee.
4. *An evaluation may be filed for a previous review period when information becomes available after the evaluation period that would have effected the rating. This subsequent evaluation does not effect the pay or benefits received during the previous evaluation period.*
5. When a report on performance is given which reports the overall rating of performance of an employee as substandard:
  - (a) The report must contain a written notice that such reports affect both merit pay increases and the employee's eligibility for longevity pay; and
  - (b) An additional report on the performance of the employee must, in accordance with subsection 4 of NRS 284.340, be filed at least once every 90 days after the initial report that includes the substandard rating until the performance of the employee improves to standard or disciplinary action is taken against the employee.
- ~~[5-]~~ 6. Except as otherwise provided in subsection 6, the preparation of each report on performance must include a discussion between the employee and his immediate supervisor. Within 10 working days after the discussion takes place:
  - (a) The employee must complete and sign the appropriate section on the report on performance and return the report to his supervisor for forwarding to the reviewing officer or appointing authority.
  - (b) If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing, identify the specific points of disagreement, if such specificity is provided, and return the response to his supervisor. The reviewing officer shall respond to the employee in writing within 10 working days after the supervisor receives the request.
- ~~[6-]~~ 7. If an employee is unavailable for a discussion of the report on performance pursuant to subsection 5 because of an extended absence, the immediate supervisor of the employee shall cause the report to be mailed to the employee. Within 10 working days after the date on which the employee receives the report:

- (a) The employee must complete and sign the appropriate section on the report on performance and mail the report to his supervisor for forwarding to the appointing authority or reviewing officer.
  - (b) If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing, identify any specific point of disagreement, if the report provides such specificity, and mail his response to his supervisor. The reviewing officer shall respond to the employee in writing within 10 working days after the supervisor receives the request for review from the employee. For the purposes of this paragraph, a report on performance or request for review is deemed to have been received on the third day after the date on which the report or request is postmarked.
- ~~[7-]~~ 8. A copy of each report on performance must be provided to the employee and filed with the Department of Personnel. If any written comments are added to a report on performance after a copy of the report has been provided to the employee pursuant to this subsection, a copy of the revised report which includes the written comments must be provided to the employee. *The employee must be allowed 10 working days to respond to the additional written comments.*
- ~~[8-]~~ 9. An employee and his appointing authority may agree in writing to extend one or more of the periods prescribed in subsection 5 or 6.
- ~~[9-]~~ 10. If a reviewing officer fails to respond to a request for review from an employee within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.
- [Personnel Div., Rule IX § A, eff. 8-11-73; A 12-28-75]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 10-18-89; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R096-03, 10-30-2003)

## ATTENDANCE AND LEAVES

**Explanation of Change:** This new section proposed by the Department of Personnel describes the attendance requirements for State Service. NAC 284.590 is incorporated into this new section.

### NEW SECTION: Attendance required.

1. *An employee is required to report for his shift, on time, ready to perform the duties and tasks assigned to his position.*
2. *An absence from work shall be requested in writing on a form approved by the Department of Personnel and must meet the requirements set forth in NAC 284.538 through NAC 284.589 inclusive.*
3. *Each agency shall develop written procedures for officers and employees to report and request approval for absences, and a copy shall be provided to employees at the time of hire.*

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, replaces the word “care” in the current language with an actual definition of the word.

**NAC 284.5231 “Care” defined.** (NRS 284.065, 284.155, 284.345) “Care,” means the ~~[care that is]~~ **activities performed and attention** provided when an employee:

1. Provides psychological comfort and reassurance to his spouse, child or parent with a serious health condition who is receiving inpatient or home care;
2. Substitutes for another person who is caring for the employee’s spouse, child or parent who has a serious health condition;
3. Makes arrangements for any change in the care of his spouse, child or parent with a serious health condition; or
4. Provides physical or psychological care to his spouse, child, parent or other member of his immediate family, who is unable to provide for his own:
  - (a) Basic medical, hygienic or nutritional needs;
  - (b) Safety; or
  - (c) Transportation to a provider of health care.

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A 11-16-95)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, simplifies the language of the current regulation. In accordance with the Fair Labor Standards Act, this amendment also increases the minimum number of hours worked before a lunch period is required, thereby, providing additional scheduling options for flexible work schedules.

**NAC 284.524 Workweeks and workdays; periods for rest and meals.** (NRS 284.065, 284.155, 284.345)

1. The workweek for state employees is 40 hours. ~~[-except that workweeks]~~ **Workweeks** of a different number of hours may be established to meet the needs of ~~[different]~~ state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.
2. Except as otherwise provided in subsections 3 and 4, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:
  - (a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds ~~[5]~~ **6** hours. Insofar as practicable, the meal period must occur in the middle of the work shift.
  - (b) A rest period of 15 minutes must be provided for each 4-hour ~~[period of]~~ work **shift** and, insofar as practicable, must occur in the middle of the period of work.
3. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

4. The requirement for a rest period does not apply to an employee ~~[of]~~ **who**:
    - (a) ~~[A correctional institution who works]~~ **Works** directly with the inmates at ~~[the]~~ **a correctional** institution.
    - (b) The Division of Mental Health and Developmental Services of the Department of ~~[Human Resources]~~ **Health and Human Services** who[:
      - ~~(1) Maintains]~~ **maintains** or monitors the equipment in a heat plant which operates 24 hours a day[;] and
      - ~~(2) Works]~~ **works** a straight 8-hour ~~[work]~~ shift.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003)

<p><b>Explanation of Proposed Change:</b> This amendment, proposed by the Department of Personnel, simplifies the language of the current regulation. The amendment moves subsection 6 up to subsection 5 and incorporates subsection 7 into the language of subsection 6.</p>
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**NAC 284.5255 Time sheets.** (NRS 284.065, 284.155, 284.175, 284.345)

1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his employer, including~~[, without limitation,]~~ the specific times at which his work shifts started and ended. Entries must be made to account for all hours in the pay period, as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.
2. An exempt classified employee or exempt unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.
3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650, ***Causes for disciplinary action*** .
4. An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee.
5. ***A supervisor who is negligent in reviewing and certifying the accuracy of an employee's timesheet may be subject to disciplinary action pursuant to NAC 284.650.***
- [5] 6. The supervisor or ~~[payroll representative]~~ ***the person who is responsible for coordinating the payroll of the agency*** ~~[of an employee]~~ may change an entry on an employee's time sheet in accordance with ~~[the]~~ ***agency*** policy. ~~[for the correction of errors on time sheets of the payroll center that administers the payroll of the agency that employs the employee. If an employee's supervisor or payroll representative changes]~~ ***If a change is made to*** an entry on the employee's time sheet~~[, including, without limitation, the number of hours that the employee worked, the type of pay requested by the employee, or the type of leave that the employee used,]~~ the employee must be notified of the change. If the employee contests a change to an entry on his time sheet, ~~[the employee]~~ ***he*** is entitled only to his base pay for the workweek in question. The contested entry must be resolved as soon as practicable

and any adjustment must be made during the next pay period following the resolution of the contested entry.

~~[6. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.]~~

~~[7. As used in this section, "payroll representative" means a person who is responsible for coordinating the payroll of the agency that employs the employee with the payroll center that administers that payroll.]~~

(Added to NAC by Dep't of Personnel, eff. 11-16-95; A 10-27-97; R031-98, 4-17-98; R147-01, 1-22-2002)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, puts the language in a format that is easier to read and interpret. It moves paragraphs 5 and 6 of NAC 284.5385 to this section because the content is more applicable in this section.

**NAC 284.538 Annual leave: Long-term employees.** (NRS 284.065, 284.155, 284.345, 284.350)

1. *For each calendar month of full-time service, an employee accrues annual leave at the rate of:*

(a) *1 1/2 days per month for an [An] employee who has completed 10 years or more but less than 15 years of continuous full-time or part-time state service. [is entitled to accrue up to a maximum of 1 1/2 days of annual leave for each calendar month of full-time service. If an employee has not been in continuous public service, the period before the interruption will not be counted except as otherwise provided in NAC 284.5405.]*

~~[2. An]~~ (b) *1 3/4 days per month for an employee who has completed 15 years or more of continuous full-time or part-time state service. [is entitled to accrue up to a maximum of 1 3/4 days of annual leave for each calendar month of full-time service. If an employee has not been in continuous public service, the period before the interruption will not be counted except as otherwise provided in NAC 284.5405.]*

2. *A part-time employee is entitled to receive annual leave prorated based on the number of hours he is in paid status.*

3. *An employee who holds two or more part-time positions in state service may combine the time from all positions to compute annual leave.*

4. *If an employee has not been in continuous service, the period before the interruption will not be counted except as otherwise provided in NAC 284.5405, Annual leave; credit upon reinstatement, rehiring, reemployment or transfer.*

[Personnel Div., Rule VII § C, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies and simplifies the current regulation. Subsections 5 and 6 are deleted from this section and inserted into NAC 284.538 which relates to leave accrual.

**NAC 284.5385 Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation; part-time employees.** (NRS 284.065, 284.155, 284.345, 284.350)

1. Except as otherwise provided in NAC 284.580, *relating to fiscal emergencies*, an employee does not accrue annual leave during the time he is on leave without pay or on catastrophic leave.
2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, *relating to work related injury or occupational disease*, and makes the election provided in:
  - (a) Subsection 1 or 3 of NRS 281.390, is entitled to accrue annual leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal pay and the benefits received.
  - (b) Subsection 5 of NRS 281.390, must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.
3. An employee who does not have enough sick leave to make up the difference between his normal pay and the benefits for a temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. ~~[Such an]~~ *The* employee accrues annual leave only for the time he is ~~[covered by sick leave or other]~~ *in* paid *status*~~[leave]~~. ~~[The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.]~~
4. Except as otherwise provided in this subsection and NAC 284.5415, to compute the amount of annual leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, ~~[he must be considered to work not]~~ *leave accrual must be based on no* more than 40 hours each week in each position.
5. ~~[A part-time employee is entitled to receive prorated annual leave on the basis of his rate of accrual for the equivalent of 1 month of full-time service.]~~
6. ~~An employee who holds two or more part-time positions in state service may combine the time from all positions to compute the credit toward annual leave.~~
- 7.] The basis for the computation of ~~[the amount of]~~ annual leave to which an exempt classified ~~[employee]~~ or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his position.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-17-87; 7-14-88; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, changes the requirement for approving annual leave. The new language states that a supervisor must respond within 15 working days to any request for leave by an employee. All annual leave requests must be made on a standardized form. This language changes the rule to require all leave requests be either approved or denied within 15 days of receipt and clarifies that all requests have the potential of being denied for good and sufficient reason.

**NAC 284.539 Annual leave: Written request; approval or denial; authorized use.**  
(NRS 284.065, 284.155, 284.345, 284.350)

1. Except as otherwise provided by the Family and Medical Leave Act, an appointing authority shall determine the time when annual leave is taken after considering the needs of the ~~[service and]~~ **agency**, the seniority and *the* wishes of the employee. ***A request for annual leave must be made to the appointing authority on a form prescribed by the Department.*** Annual leave may not be granted in excess of the accumulated annual leave. ***A request for leave must be approved or denied, in writing, prior to the leave event or within 15 working days after receipt, whichever is sooner.***
2. If an employee submits a written request for annual leave at least 60 days in advance, it must be honored except for good and sufficient reason. ~~[The approval or denial must be in writing within 15 workdays after receipt by the appointing authority of the written request for leave.]~~ The appointing authority may not prohibit an employee from using at least 5 consecutive days of annual leave in any calendar year.
3. An employee shall request annual leave at least 30 days in advance if the need for leave is foreseeable and the annual leave is to be taken in conjunction with a planned leave of absence without pay.
4. An employee who has accumulated both annual leave and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave instead of the compensatory time for approved leave. In all other instances, compensatory time must, as far as practicable, be exhausted before annual leave is used.
5. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may use his accrued annual leave pursuant to NAC 284.5775.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 6-18-86; 9-17-87; 7-14-88; 4-20-90; 3-23-94; 11-16-95; R031-98, 4-17-98; R082-00, 8-2-2000.

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, changes the formatting to make the language more clear. There are no substantive changes. Subsection 9 is amended to clarify that if an employee is transferring as described in this subsection, and the newly calculated leave balance results in a negative number, he will begin classified service with zero hours of annual leave.

**NAC 284.5405 Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided in this section, *an* ~~[any]~~ employee ~~[who returns to state service following a separation is eligible to accrue annual leave based on his total service with the State after he has completed 3 years of continuous service. The employee must requalify after each break in service.]~~
  2. ~~An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.~~
  3. ~~An employee with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.]~~  
*is eligible to accrue annual leave based on his total service with the State who:*
    - (a) *Returns to state service following a separation after he has completed 3 years of continuous service. The employee must requalify after each break in service.*
    - (b) *Is rehired within 1 year after being laid off. He may use his annual leave upon accrual if he has completed a total of 6 months of state service.*
    - (c) *Has a permanent disability arising from a disability related to work and who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013. He may use his annual leave upon accrual if he has completed a total of 6 months of state service.*
1. *An employee is entitled to buy back the balance of annual leave for which he received payment if he is:*
    - (a) *Rehired within 1 year after being laid off. The rate of pay at which he is rehired applies to the buying back of annual leave.*
    - (b) *An employee with a permanent disability arising from a work related illness or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013. The rate of pay at which he is reemployed applies to the buying back of annual leave.*
  2. If an employee who was laid off before completing 6 months of employment is rehired within 1 year after his layoff, the amount of the unpaid annual leave he had earned before the layoff must be restored to him.
  3. If a person eligible for military reemployment is reemployed, he accrues annual leave at the rate which he would have earned if he had not left state service.



4. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his annual leave is charged to the agency to which he is appointed.
5. If a nonclassified employee, an unclassified employee of the ~~[University and Community College System of]~~ Nevada ***System of Higher Education***, or an employee included in the State Personnel System pursuant to NRS 284.022 is appointed without a break in service to the classified or unclassified service, his annual leave must be recomputed to reflect the amount that would have accrued to him as a classified or unclassified employee less any annual leave which he used during his nonclassified, University, or governmental agency employment, and the remaining balance will be transferred to the new appointment. The amount of annual leave transferred by the employee pursuant to this subsection may not exceed the maximum amount which is permitted by the classified or unclassified rate of accrual as set forth in NRS 284.350 and NAC 284.538. The agency to which the employee is appointed is not responsible for payment of any annual leave in excess of the amount which is transferable. It is the responsibility of the employee who is transferring annual leave to seek payment of any excess amount of annual leave remaining to his credit from his former employer. ***If the calculation of leave to be transferred results in a negative amount, the employee will begin classified service with a zero balance.***

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-19-88; 3-27-92; 11-12-93; 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R096-03, 10-30-2003)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, changes the terminology to reflect current usage.

**NAC 284.542 Sick leave: Part-time employees.** (NRS 284.065, 284.155, 284.345, 284.355)

1. A part-time employee ***accrues*** ~~[is entitled to prorated]~~ sick leave ~~[on the basis]~~ of 1 1/4 days ***per month, prorated based on hours in paid status*** ~~[of credit for the equivalent of 1 month of full-time service.]~~
2. An employee who holds two or more part-time positions in the state service may combine the time in all positions for the purpose of computing ~~[credit for]~~ sick leave ***accrual***.

[Personnel Div., Rule VII § D subsec. 2, eff. 8-11-73; A and renumbered as subsec. 1, 2-5-82; § D subsec. 3, eff. 2-5-82]

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, puts the language of the current regulation in a format that is easier to read and interpret. The amendment removes unnecessary and redundant Family and Medical Leave Act language.

**NAC 284.544 Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.** (NRS 284.065, 284.155, 284.345, 284.355)

1. Except as otherwise provided in NAC 284.580, *relating to fiscal emergencies*, an employee does not accrue sick leave during the time he is on leave without pay or ~~on~~ catastrophic leave.
2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, *relating to work-related injury or occupational disease*, and:
  - (a) Makes the election provided in subsection 1 or 3 of NRS 281.390, is entitled to accrue sick leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal pay and the benefits received.
  - (b) Makes the election provided in subsection 5 of NRS 281.390, must be placed on leave of absence without pay, unless the employee ~~is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position. Such an employee may, while he is on such leave, elect~~ **elects** to use his accrued annual leave. ~~[in lieu of being placed on leave of absence without pay.]~~
3. An employee who does not have enough sick leave to make up the difference between his normal pay and the benefits for temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by ~~[sick leave or other]~~ paid leave. ~~[Such an]~~ **The** employee accrues sick leave only for the time he is ~~covered by sick leave or other~~ **in** paid *status* ~~[leave]. [The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.]~~
4. To compute the amount of sick leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, ~~[he must be considered to work not]~~ **leave accrual must be based on no** more than 40 hours each week in each position.
5. The basis for the computation of the amount of sick leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his position.

(Added to NAC by Dep't of Personnel, eff. 12-17-87; A 7-14-88; 7-21-89; 8-1-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, adds a clarifying note that the separate account is also known as “special sick leave”. It adds reference headings for easier understanding.

**NAC 284.546 Sick leave: Unused credit. (NRS 284.065, 284.155, 284.345, 284.355)**  
Unused sick leave accrued but not carried forward ~~[because of the limitation]~~ **according to provisions** in NRS 284.355, ***Leave for sickness and disability***, ~~[must be placed in a separate account and]~~ **will be accounted for as special sick leave. This leave** may be used if the employee has used all the sick leave otherwise available to him and meets the conditions, as applicable, of NAC 284.554, 284.566 and 284.568, ***sick leave regulations***. [Personnel Div., Rule VII § D subsec. 3, eff. 8-11-73; A and renumbered as subsec. 2, 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; 8-22-86; 11-16-95)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies that after the money has been repaid, the sick leave balances will be restored to an employee who was previously dismissed.

**NAC 284.548 Sick leave: Repayment of benefits upon reinstatement of dismissed employee. (NRS 284.065, 284.155, 284.175, 284.345, 284.355)** An employee who is dismissed and later reinstated by an order of a hearing officer must repay ~~[any money]~~ the ***amount the*** employee received for payment of sick leave benefits ***and have the leave balance restored***. The amount of the payment may be deducted from the future wage payments or any back pay owed to the employee.

(Added to NAC by Dep’t of Personnel, eff. 4-20-90)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, deletes subsection 4 because military service does not result in a separation from service. The amendment modifies the language of the current regulation to clarify the intent. Subsection 5 is amended to clarify that if an employee is transferring as described in this subsection, and the newly calculated leave balance results in a negative number, he will begin classified service with zero hours of sick leave.

**NAC 284.551 Sick leave: Credit upon rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.355)**

1. An employee who is rehired within 1 year after he is laid off is entitled to the restoration of the accrued and unused sick leave remaining in his account at the time of his layoff.
2. The balance of a seasonal employee's sick leave must be restored to him for each subsequent term of appointment if the employee is rehired within 1 year from the date of his last seasonal separation.
3. An employee *who is reemployed within 1 year after sustaining a permanent disability related to work pursuant to NAC 284.6013* ~~[with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date he sustained the permanent disability as determined pursuant to NAC 284.6013]~~ is entitled to restoration of the accrued and unused sick leave that remained in his account at the time of separation.
4. ~~[If a person who is eligible for reemployment because of his military service is reemployed, he is entitled to the restoration of the accrued and unused sick leave remaining in his account at the time of separation.]~~
- 5.] If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority the balance of his sick leave is charged to the agency to which he is appointed.
- ~~[6.]~~ 5. If a nonclassified employee, an unclassified employee of the *Nevada System of Higher Education* ~~[University and Community College System of Nevada]~~, or an employee covered by NRS 284.022 is appointed to the classified or unclassified service without a break in service, his sick leave must be recomputed to reflect the amount that would have accrued to him as a classified or unclassified employee less any sick leave which he used during his nonclassified, *Nevada System of Higher Education* ~~[University]~~, or governmental agency employment and the remaining balance will be transferred to the new appointment. *If the calculation of leave to be transferred results in a negative amount, the employee will begin classified service with a zero balance.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-19-88; 3-1-96)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, reflects the title change for the University System. The amendment changes the language “special disabled” to reflect language that is currently used.

**NAC 284.552 Sick leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees. (NRS 284.065, 284.155, 284.345, 284.355)**

1. Service in provisional, ~~[special disabled,]~~ emergency, ~~[or]~~ temporary status, **or a temporary appointment of a person with a disability** must be credited towards sick leave.
2. Service in a special position which is temporary in the ~~[University and Community College System of Nevada]~~ **Nevada System of Higher Education** may be credited towards sick leave if it is immediately followed by probationary or permanent status.
3. An employee in a seasonal position must be credited with sick leave.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 7-6-92)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, changes the requirement to state the employee must request exceptions to the 120 hour family sick leave rule in writing and the employee must provide written verification from a health care provider of the need for leave. The amendment removes language relating to FMLA that is unnecessary.

**NAC 284.558 Sick leave: Illness in employee’s immediate family. (NRS 284.065, 284.155, 284.345, 284.355)**

1. Except as otherwise provided in this section, if an employee is needed to provide care for a member of his immediate family with an illness or other authorized medical need, the employee may use his accumulated sick leave, not to exceed 120 hours in any 1 calendar year. An employee is not subject to this 120-hour limitation if the leave is approved under the Family and Medical Leave Act.
2. The appointing authority may approve an exception to the 120-hour limitation or the requirement that the immediate family member be living in the employee’s household. To obtain an exception, the employee ~~[may be required to]~~ **must** submit his request in writing to the appointing authority **and include**~~[-The appointing authority may require that the request be accompanied by]~~ a certification from a provider of health care ~~[of]~~ **substantiating** the need for the employee’s participation. ~~[The appointing authority may use the procedure and form which is used for certification under the Family and Medical Leave Act.]~~
3. The appointing authority may ~~[request]~~ **require** that the employee submit supplemental information~~[-Supplemental information]~~ **which** may include a second and third medical opinion as provided in subsection 2 of NAC 284.566, **Sick leave: Approval by appointing authority.**

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 7, 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; 3-23-94; 11-16-95; R082-00, 8-2-2000)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel changes the language to place the burden of determining the medical condition and work restriction on the Health Care Provider not the appointing authority. Subsections 2 and 3 are deleted because they describe a procedure to treat employees with disabilities differently than other employees. All employees should be treated equally in regards to being placed on sick leave. Subsection 4 is deleted because it is redundant to language in NAC 284.5811.

**NAC 284.568 Sick leave: Placing employee on sick leave.** (NRS 284.065, 284.155, 284.345, 284.355)

~~[1.] An appointing authority may place an employee on sick leave if, due to a known or suspected illness, the employee is not *able to perform the essential functions of* [performing at the level required by] his position or the illness [is such that it] appears to be contagious. *The appointing authority may require a release to return to work from a provider of health care before allowing the employee to return to work.*~~

~~[2. An appointing authority may place an employee with a disability on sick leave if, due to an illness or injury, the employee is not able to perform the essential functions of the job with reasonable accommodation or the illness or injury is such that it is a direct threat to the employee or to another person. Before placing an employee with a disability on sick leave because an illness or injury is a direct threat to the employee or other person, the appointing authority shall consider whether the direct threat may be eliminated or reduced by reasonable accommodation.]~~

~~[3. If an appointing authority places an employee with a disability on sick leave pursuant to subsection 2, the appointing authority must:~~

- ~~(a) Identify a specific, significant and current risk of substantial harm; and~~
- ~~(b) Document the risk by medical or other factual evidence concerning the employee with a disability or other person.]~~

~~[4. Except as otherwise provided in NRS 281.390, the appointing authority may require an eligible employee to use sick leave during the time family and medical leave is granted.]~~

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92; 3-23-94; R082-00, 8-2-2000)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, provides as definition of the word “catastrophe” as required by NRS 284.362, which mandates that the commission adopt language to clearly define “catastrophe.” The new definition clearly defines the components of a catastrophe to include extreme loss, lasting distress and the unexpected nature of the condition.

**NAC 284.575 Catastrophic leave: Interpretation of certain statutory terms.** (NRS 284.065, 284.155, 284.362, 284.3626) As used in NRS 284.362:

1. “Lengthy convalescence” means a period of disability which an attending physician expects to exceed 10 consecutive weeks.
2. “Life threatening” means a condition which is diagnosed by a physician as creating a substantial risk of death.

3. *“Catastrophe” means a serious event marked by tremendous loss or a serious illness with lasting distress which results in a condition that is life threatening or requires a lengthy convalescence.*

(Added to NAC by Dep’t of Personnel, eff. 8-14-90; A by R146-01, 1-18-2002)

**Explanation of Proposed Change:** This amendment, proposed by Department of Personnel, clarifies that an employee who has been approved by the appointing authority for catastrophic leave for a clearly specified period of time continues to be on approved leave for the approved period even if donations are not sufficient to pay the employee for the entire absence. Additionally, the new language mandates that any leave donation that is received after the employee has entered leave without pay status will be applied retroactively to create a continuous pay event for the employee.

**NAC 284.576 Catastrophic leave: Use and administration; appeal of denial.**  
(NRS 284.065, 284.155, 284.3621, 284.3626)

1. An account for catastrophic leave may be established for an employee when he or a member of his immediate family experiences a catastrophe and the employee has used all of his accrued leave.
2. An employee who is affected by a catastrophe and has used or is about to use all of his leave may request, on the appropriate form, the transfer of leave to an account for catastrophic leave for his personal use after the balance of all of his leave has been used. Such a request must be accompanied by a statement from a physician on a form provided by the Committee on Catastrophic Leave created pursuant to NRS 284.3627 which substantiates the necessity of the leave.
3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee’s attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.
4. The appointing authority shall approve or deny a request for catastrophic leave, taking into consideration the nature of the catastrophe and the expected duration of the leave. The decision of the appointing authority may be appealed to the Committee on Catastrophic Leave pursuant to NRS 284.3629.
5. *An employee who has been approved for catastrophic leave for a specified period of time, who has no donations available to be transferred to his account, is deemed to be on approved leave without pay for that same approved period of time. If subsequent catastrophic leave donations are received, prior to the conclusion of the approved catastrophic leave period, they must be applied retroactively to cover the period without pay.*
- [5-] 6. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his appointing authority on the appropriate form of his intent to donate the leave. The appointing authority of the employee donating the leave shall submit a copy of the form to the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of

leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be maintained in chronological order and used, one at a time as needed, according to the date in which they were received.

[6-] 7. A donor and his appointing authority must be notified on the appropriate form when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave.

[7-] 8. The appointing authority shall provide the following information on a calendar year basis or as requested by the Director:

- (a) Each employee under its authority, identified by a number assigned in accordance with subsection 8, donating or using catastrophic leave, his grade and rate of pay and the number of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 6, or used by the employee;
- (b) The period and nature of the disability for each employee using catastrophic leave; and
- (c) A comparison of the average dollar value of the accounts for catastrophic leave based on the average rate of pay of the donors and the average dollar value of the leave taken by the recipients.

[8-] 9. The appointing authority shall assign numbers to employees for the purposes of subsection 7 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.

[9-]10. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.

[10-]11. As used in this section, "immediate family" has the meaning ascribed to it in NAC 284.562.

(Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94; R146-01, 1-18-2002)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, simplifies the language of the current regulation and reorders the information (subsection 2 is moved to subsection 5) to make it easier to read and understand. A "reasonable time" is defined as "five working days from the notification date." Subsection 6 is added to clarify that employees with existing leave balances must have approval by the appointing authority to take a leave of absence without pay prior to exhausting their annual and sick leave.

**NAC 284.578 Leave of absence without pay. (NRS 284.065, 284.155, 284.345)**

1. Except as otherwise provided in NRS 284.360, *the appointing authority may grant* a leave of absence without pay [~~may be granted~~] to an employee for not more than 1 year [~~by the appointing authority~~] for any satisfactory reason.



~~[2. The Commission, upon the recommendation of the appointing authority, may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.]~~

**2. An employee shall request leave without pay at least 30 days in advance when the need for the leave is foreseeable.**

**3. ~~[An]~~ With the exception of an employee on Family and Medical Leave, an** appointing authority may require an employee on leave of absence without pay to submit every 2 weeks a statement of his intent to return to work.

**4. ~~[Except as otherwise provided in NRS 281.390, if]~~ If** the reason for granting the leave no longer exists~~[, or for another bona fide reason,]~~ the appointing authority may revoke the leave after notifying the employee in writing and allowing ~~[a reasonable time]~~ **no less than five working days from the notification date** for the employee to return to work.

~~[5. An employee shall request leave without pay at least 30 days in advance of when the need for the leave is foreseeable, if practicable.]~~

**5. The Personnel Commission may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.**

**6. Leave without pay may not be used in lieu of sick or annual leave unless approved by the appointing authority. Pursuant to NAC 284.511, leave without pay may be granted for the purposes of the Family and Medical Leave Act only when other forms of paid leave have been exhausted.**

[Personnel Div., Rule VII § E subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 10-27-97)

**Explanation of Change:** This amendment, proposed by the Department of Personnel explains the Family and Medical Leave in terms of an entitlement rather than a limitation. The amendment removes redundant statements, and adds language to the existing regulation to clarify intent. Subsection 6 has been deleted and incorporated into subsection 1.

**NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility.** (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)

**1. ~~[The entitlement for family and medical leave for an eligible employee is limited]~~ The Family and Medical Leave Act entitles an eligible employee** to a total of 12 weeks **of leave for a qualifying event** during a rolling 12-month period. **The 12-month period is measured backward from the date an employee uses any family and medical leave.**

**2. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.**

**3. Except as otherwise provided in subsection 4, an employee who meets the requirements for eligibility ~~[for]~~ and is taking** leave pursuant to the Family and Medical Leave Act must exhaust his accrued sick leave, accrued annual leave, **and** catastrophic leave ~~[and holiday pay]~~ before he may use leave ~~[of absence]~~ without pay. ~~[for leave granted pursuant to the Family and Medical Leave Act. Such accrued]~~ **Accrued** sick leave,~~[accrued]~~ annual leave, **and** catastrophic leave and **any** holiday pay **to which the employee is entitled pursuant to NAC 284.255 ~~[runs]~~ run**

concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that ~~[sick] leave~~ ~~[, annual leave, catastrophic leave]~~ or holiday pay.

4. If an employee is absent from work as the result of a work-related injury or illness and he meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:
  - (a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and
  - (b) The employee may elect to use paid leave **or leave without pay** for the portion of time that he is not being compensated for the work-related injury or illness.
5. Any leave granted pursuant to this section must be supported by medical documentation and approved by the appointing authority.
- ~~6. As used in this section, a "rolling 12 month period" means the 12 month period as measured backward from the date an employee uses any family and medical leave.]~~  
(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R096-03, 10-30-2003)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, removes language from the current regulation that is redundant. The amendment deletes the last sentence of subsection 4 because agencies know their budgetary constraints and this language is procedural and does not need to be in administrative code.

**NAC 284.582 Civil leave with pay to serve on jury or as witness.** (NRS 284.065, 284.155, 284.175, 284.345)

1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his normal hours of work, to serve:
  - (a) On a jury; or
  - (b) As a witness in a court or at an administrative hearing **when he is not** ~~[unless he is]~~ a party to the action **and the action** ~~[which]~~ is not related to his job.  
The period of the leave must not be deducted from the balance of his annual leave. An employee who is granted the leave must receive his regular pay while on the leave, and he may retain any fee paid to him for his service as a juror or witness.
2. If an employee, in his official capacity as a state employee and as part of his required duties, serves as a witness during his regular working hours, he shall accept any witness fee offered to him and relinquish it to the agency by which he is employed.
3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he performs service as a witness, he may retain that payment only if the State has not provided him payment for the same purpose. If the State has provided him such a payment, he shall relinquish it to the agency by which he is employed.
4. ~~[As far as practical, agencies]~~ **Agencies** shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror. ~~[The agency may also consider options such as hiring relief help or rescheduling volunteer work.]~~

[Personnel Div., Rule VII § E subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 12-13-83, 10-26-84; 5-27-86; R147-01, 1-22-2002)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies time off is to be granted only if it is impracticable to vote before or after hours of employment and the employee must get approval *prior* to the election day.

**NAC 284.586 Civil leave with pay to vote.** (NRS 284.065, 284.155, 284.345) Civil leave with pay must be granted to allow an employee time off to vote subject to the conditions established in NRS 293.463, *which allows time off if it is impracticable for him to vote before or after his hours of employment. A request for civil leave to vote shall be made to the person authorized to grant such leave prior to the day of the election.*

[Personnel Div., Rule VII § E subsec. 7, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, makes minor changes including simplifying sentence structure and including the terms “Fitness for Duty” and “alcohol and drugs” for clarification. Work environment was changed to “workplace” for consistency with Risk Management guidelines.

**NAC 284.589 Administrative leave with pay.** (NRS 284.065, 284.155, 284.345)

1. An appointing authority may grant administrative leave with pay to an employee:
  - (a) To relieve the employee of his duties during the active investigation of a suspected criminal violation or the investigation of ~~[an]~~ alleged wrongdoing;
  - (b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his position (*Fitness for Duty*);
  - (c) For up to 30 days to remove the employee from the ~~[work environment]~~ *workplace* when he has committed or threatened to commit an act of violence;
  - (d) For up to 2 hours to donate blood; or
  - (e) To relieve the employee of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065, *for alcohol or drugs*.
2. The appointing authority, upon approval of the Risk Management Division of the Department of Administration, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.
3. Except as otherwise provided in subsection 4, an appointing authority or the Department of Personnel may grant administrative leave with pay to an employee for any of the following purposes:
  - (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the State but which do not require him to participate or attend in his official capacity as a state employee *such as work related seminars, classes and conferences*.
  - (b) Closure of the employee's office or work site caused by a natural disaster or other similar adverse condition when the employee is scheduled and expected to be at

- work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.
- (c) His appearance as an aggrieved employee or a witness at a hearing of the Committee.
  - (d) His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Department of Personnel.
  - (e) His appearance to provide testimony at a meeting of the Commission.
4. An appointing authority or the Department of Personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (c), (d), or (e) of subsection 3 if:
- (a) The employee requests the administrative leave for a period of time that is reasonably needed for him to testify at the hearing or meeting;
  - (b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and
  - (c) The absence of the employee will not cause an undue hardship to the operations of his appointing authority or adversely impact the provision of services to clients or to the public.
5. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:
- (a) The initial appointment and one follow-up appointment if the employee receives counseling through the Employee Assistance Program.
  - (b) His attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.
  - (c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.
  - (d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656, *relating to notice of hearing*.
  - (e) Up to 8 hours for preparation for hearings regarding his involuntary transfer.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; A by Personnel Comm'n by R038-03, 10-30-2003; R183-03, 1-27-2004)

**Explanation of change:** This amendment, proposed by the Department of Personnel, simplifies the language of the current regulation and removes redundant statements.

**NAC 284.5895 Computation of leave for exempt classified and unclassified employees.** (NRS 284.065, 284.155, 284.345)

1. ~~[For the purposes of accounting for the use of leave appropriate to an absence, a]~~ An absence of an exempt classified employee, or exempt unclassified employee for a full workday shall be deemed to be an absence for a period equal to his regularly scheduled hours of employment on that workday.
2. Except when an absence for part of a workday is authorized for family and medical leave, an exempt classified employee or exempt unclassified employee must only

account for an absence of one or more full workdays by the use of leave appropriate to the absence, and is not required to account for any absence for part of a workday ~~[by the use of leave appropriate to the absence]~~.

3. An exempt classified employee or exempt unclassified employee must not account for an absence ~~[for a full workday]~~ by the use of a combination of accrued sick leave and accrued annual leave unless:
  - (a) He is on family and medical leave; or
  - (b) He has been approved for catastrophic leave and the catastrophic leave is used as a supplement for the remaining sick and annual leave.
4. If an exempt classified employee or exempt unclassified employee does not have accrued leave appropriate to the absence in an amount sufficient to account for an authorized absence, the employee must be placed on leave of absence without pay for that workday unless he is approved to use catastrophic leave. (Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R147-01, 1-22-2002)

<b>Explanation of Proposed Change:</b> This amendment, proposed by the Department of Personnel, changes the language so an unauthorized absence OR an unreported absence must be considered an absence without leave. The language in subsection 3 is simplified.
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**NAC 284.594 Unauthorized absences.** (NRS 284.065, 284.155, 284.175, 284.345)

1. An unauthorized ~~[and]~~ **or** unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.
2. A deduction of pay may be made for a reported but unauthorized absence when the appointing authority declines to authorize the leave for reasons which are substantial and just.
3. Such absences may be ~~[made the grounds]~~ **cause** for disciplinary action.
4. A deduction from the pay of an exempt classified employee or exempt unclassified employee must be made in increments of a full workday.  
[Personnel Div., Rule VII § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 1-26-87; 11-16-95; R147-01, 1-22-2002)

<b>Explanation of Proposed Change:</b> This amendment, proposed by the Department of Personnel, clarifies that a return from military service is not a "reemployment". The language is changed to simplify the language. The amendment removes the word "former" in subsection 4 to maintain consistency with the other subsections.
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**NAC 284.598 Breaks in continuous service.** (NRS 284.065, 284.155) The following are not breaks in continuous service:

1. ~~[Authorized military]~~ **Military** leave for active service if the person ~~[is reemployed]~~ **returns from leave** within 90 calendar days after an honorable discharge from military service.
2. ~~[Separation because of]~~ A layoff if ~~[a former]~~ **the** employee is ~~[rehired]~~ **reemployed** within 1 year after the date he was laid off.
3. **A seasonal layoff if the** ~~[Reemployment of a seasonal]~~ employee is reemployed within 1 year after the end of the previous seasonal appointment.
4. **A separation due to** ~~[Separation because an employee sustained]~~ a permanent disability arising from a ~~[disability related to work]~~ **work-related injury or**

*occupational disease*, if the [former] employee [was] *is* reemployed [not later than] *within* 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.

[Personnel Div., Rule VII § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep’t of Personnel, 8-26-83; 4-19-88; 3-1-96)

**Explanation of Proposed Change:** The Department of Personnel recommends this section be repealed. All definitions relating to NAC 284.5231 to 284.5239, inclusive are recommended to move to the General Provisions of Chapter 284 or are redundant to the federal Family and Medical Leave Act.

**NAC 284.523 Definitions.** (NRS 284.065, 284.155, 284.345) [~~As used in NAC 284.523 to 284.598, inclusive, unless the context otherwise requires, the words and terms defined in NAC 284.5231 to 284.5239, inclusive, have the meanings ascribed to them in those sections.~~]

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by R082-00, 8-2-2000)

**Explanation of Proposed Change:** The Department of Personnel is recommending this section be repealed because it is redundant to the federal Family and Medical Leave Act.

**NAC 284.5232 “Continuing treatment” defined.** (NRS 284.065, 284.155, 284.345)  
[~~“Continuing treatment” means:~~

- ~~1. Two or more treatments received from a provider of health care if the treatment normally requires a visit to the office of the provider of health care or a nurse or physician assistant who is under the direct supervision of the provider of health care;~~
- ~~2. Two or more treatments received from a provider of health care services, such as a physical therapist, under the orders of, or referred by, a provider of health care;~~
- ~~3. At least one treatment received from a provider of health care which results in a regimen of continuing treatment under the supervision of a provider of health care;~~
- ~~4. The continuing supervision of, but not necessarily active treatment by, a provider of health care because of a long term or permanent condition for which treatment may not be effective; or~~
- ~~5. Any combination of treatments described in subsections 1 to 4, inclusive.]~~

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A 11-16-95)

**Explanation of Proposed Change:** The Department of Personnel recommends this section be repealed because it has been recommended the language be changed in NAC 284.5811 relating to Family and Medical Leave and the phrase “Eligible employee” will no longer be used.

**NAC 284.5233 “Eligible employee” defined.** (NRS 284.065, 284.155, 284.345) [~~“Eligible employee” means an employee who is eligible for family and medical leave.~~] (Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by R082-00, 8-2-2000)

**Explanation of Proposed Change:** The Department of Personnel is recommending this section be repealed because it is redundant to the federal Family and Medical Leave Act and does not provide a complete definition.

**NAC 284.5234 “Family and medical leave” defined.** (NRS 284.065, 284.155, 284.345) [~~“Family and medical leave” means any paid leave or leave of absence without pay which is granted to an eligible employee:~~

- ~~1. For the birth of a child of the employee and the care of that child if the leave is taken during the 12 months immediately following the date of the birth of that child;~~
- ~~2. For the placement of a child through adoption or foster care with the employee if the leave is taken during the 12 months immediately following the date of placement of that child;~~
- ~~3. To care for his spouse, child or parent who has a serious health condition; or~~
- ~~4. Because of a serious health condition of the employee which makes him unable to perform one or more of the essential functions of his position.]~~

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A 11-16-95)

**Explanation of Proposed Change:** The Department of Personnel recommends this section be repealed because it is redundant to NAC 284.581.

**NAC 284.52345 “Family and Medical Leave Act” defined.** (NRS 284.065, 284.155, 284.345) [~~“Family and Medical Leave Act” means the Family and Medical Leave Act of 1993 adopted by reference in NAC 284.581.]~~

(Added to NAC by Dep’t of Personnel by R082-00, eff. 8-2-2000)

**Explanation of Proposed Change:** The Department of Personnel is recommending this section be repealed because it is redundant to the federal Family and Medical Act.

**NAC 284.5236 “Intermittent leave” defined.** (NRS 284.065, 284.155, 284.345) [~~“Intermittent leave” means leave taken in separate periods rather than in one continuous period, because of a single injury or illness.]~~

(Added to NAC by Dep’t of Personnel, eff. 3-23-94)

**Explanation of Proposed Change:** The Department of Personnel recommends this section be repealed because this terminology is specific to the Family and Medical Leave Act in federal regulations and therefore this section is redundant to federal regulation.

**[NAC 284.5238 “Reduced leave” defined.** (NRS 284.065, 284.155, 284.345)  
[“Reduced leave” means a schedule of leave which reduces the usual number of hours in a workweek or workday of an employee.]  
(Added to NAC by Dep’t of Personnel, eff. 3-23-94)

**Explanation of Proposed Change:** The Department of Personnel is recommending this section be repealed because it is redundant to the federal Family and Medical Leave Act.

**NAC 284.5239 “Serious health condition” defined.** (NRS 284.065, 284.155, 284.345)  
~~1. “Serious health condition” means an illness, an injury, or a physical or mental condition which involves:~~  
~~(a) Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or~~  
~~(b) Continuing treatment by or under the supervision of a provider of health care for one or more periods of:~~  
~~(1) Incapacity of more than 3 consecutive calendar days, and any subsequent treatment or period of incapacity related to the same condition that also involves continuing treatment.~~  
~~(2) Incapacity because of pregnancy or for prenatal care.~~  
~~(3) Incapacity because of a chronic serious health condition, or treatment for such incapacity. A chronic serious health condition is one that continues over an extended period of time, requires periodic visits for treatment by or under the direct supervision of a health care provider, and which may cause episodic periods of incapacity.~~  
~~(4) Incapacity which is permanent or long term because of a condition for which treatment may not be effective, but for which the person is under the continuing supervision of a health care provider.~~  
~~(5) Absence to receive multiple treatments by or under the direction of a health care provider for restorative surgery after an accident or other injury.~~  
~~(6) Absence to receive multiple treatments by or under the direction of a health care provider for a condition that would likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment.~~  
~~2. The term “serious health condition” does not include:~~  
~~(a) Cosmetic treatments which do not require inpatient care and which do not result in medical complications; or~~  
~~(b) Minor conditions such as the common cold, flu or an earache which do not result in medical complications.~~  
~~3. As used in this section, “incapacity” means the inability to work, attend school or perform other regular daily activities because of a serious health condition, including any treatment or recovery period. ]~~  
(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A 11-16-95)



**Explanation of Proposed Change:** The Department of Personnel recommends this section be repealed. This language has been included in the newly proposed section, “Attendance required.”

**NAC 284.590 Employees required to report absences.** (NRS 284.065, 284.155, 284.345) ~~[An officer or employee who is absent from duty shall report the reason therefor to his supervisor or designated representative as prescribed in writing by the agency.]~~

[Personnel Div., Rule VII § F, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)

## DISABILITIES RELATED TO WORK

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, replaces the term “Disability related to work” with “work-related injury or occupational disease.” The new term is more descriptive and will reduce confusion in the sections it is used including NAC 284.600 to NAC 284.6019. Other proposed changes to this either clarify current language or are made to conform to statutory changes.

**NAC 284.600 Definitions.** (NRS 284.065, 284.155) As used in NAC 284.600 to 284.6019, inclusive, unless the context otherwise requires:

1. ~~“[Disability related to work]~~ ***Work-related injury or occupational disease***” means any injury or ~~[occupational disease]~~ ***illness*** suffered by an employee that arises out of and in the course of his employment in the classified service ~~[of the State]~~ ***and for which an employee has filed a claim pursuant to NRS 616 through NRS 617.***
2. “Employee” means an employee who is in the classified service of the State. The term does not include an employee of the ~~[University and Community College System of Nevada]~~ ***Nevada System of Higher Education*** who is ***in a temporary appointment as*** described in subsection 4 of NRS 284.325.
3. “Regular position” means the position an employee ~~[with a disability related to work]~~ held at the time:
  - (a) Of his injury; or
  - (b) He became aware of his occupational disease and its relationship to his employment in the classified service of the State.

(Added to NAC by Dep’t of Personnel, eff. 7-1-94; A 3-1-96)]

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, removes the phrase “disability related to work” and replaces it with “work-related injury or occupational disease” as proposed throughout the chapter. Proposed changes in 2(a) and 2(b) are for the purpose of clarifying language. Section 4 is deleted because both FMLA and Workers’ Compensation forms are mandatory. The individual authorized to complete the forms is different in the two leave scenarios (FMLA would allow a nurse practitioner to complete the form, Workers’ Compensation would not.) Additionally, both forms are addressed in other areas of NAC and/or the federal regulations.

**NAC 284.6002 Physical assessments.** (NRS 284.065, 284.155)

1. ~~[Except as otherwise provided in subsection 4, an]~~ **An** appointing authority shall require an employee who has a ~~[disability related to work]~~ **work-related injury or occupational disease** to submit to the appointing authority a physical assessment ~~[of the disability that is]~~ prepared by the employee’s treating physician or chiropractor. The appointing authority may require the employee to submit a physical assessment after each visit to the physician or chiropractor or after only those visits designated by the appointing authority.
2. Each physical assessment must:
  - ~~(a) Be~~ **be** reported on ~~[the appropriate]~~ **a form that meets or exceeds the** form prescribed by the Division of Industrial Relations of the Department of Business and Industry, **and** ~~[-The appointing authority shall provide the appropriate form to the employee.]~~
  - ~~(b) Contain any limitations or]~~ **contain** restrictions imposed on the employee’s ability to work by the treating physician or chiropractor.
3. An employee who is required to submit a physical assessment shall deliver or mail the assessment to the appointing authority within 3 working days after the date of his visit to his treating physician or chiropractor.
- ~~[4. If an employee is on family and medical leave because of a disability related to work, he may, in lieu of submitting physical assessments required pursuant to subsection 1, submit to his appointing authority certification from a provider of health care substantiating the need for family and medical leave in the manner prescribed by the Family and Medical Leave Act.]~~

(Added to NAC by Dep’t of Personnel, eff. 7-1-94; A by R082-00, 8-2-2000)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, deletes language that is redundant. Additionally, the amended language makes the intent of the law more clear. Paragraph (e) of subsection 2 has been deleted; the language regarding denial of a claim is added to subsection 3 and the references are unnecessary. Subsection 5 has been repealed because the definition of “Insurer” is in the General Provisions at the beginning of the chapter. Subsection 7 has been moved from NAC 284.601 into this section.

**NAC 284.6004 Temporary assignment: Conditions for offer; termination; additional assignments.** (NRS 284.065, 284.155, 284.327, **616C.475**)

1. *The appointing authority shall prepare a written description of the duties of a temporary assignment to be offered to an employee with a work-related injury or occupational disease. When the employee’s treating physician or chiropractor approves the return of the employee to work, the* ~~[An]~~ appointing authority shall offer, *in writing, a temporary assignment that is modified according to the* ~~[to an employee who has a disability related to work a temporary assignment that is modified according to the limitations or restrictions imposed on the employee’s ability to work if:]~~ *work-related restrictions imposed by the employee’s treating physician or chiropractor if:*
  - (a) ~~[The employee is unable to perform]~~ *The restrictions prevent the employee from performing* the duties of his regular position;
  - (b) *The employee has an accepted or pending workers’ compensation claim pursuant to NRS 616C.065 or 617.356* ~~[The employee files, in a timely manner:~~
    - (1) ~~A notice of the injury or occupational disease pursuant to NRS 616C.015 or 617.342; and~~
    - (2) ~~A claim for compensation pursuant to NRS 616C.020 or 617.344);~~
  - (c) ~~[The employee’s treating physician or chiropractor approves the return of the employee to work;]~~
  - ~~[(d)]~~ An appropriate temporary assignment is available;
  - ~~[(e)]~~ *(d)* The temporary assignment is not prohibited by the source that funds the employee’s regular position; and
  - ~~[(f)]~~ *(e)* The employee would otherwise be employed by the appointing authority if he had not incurred the *work-related injury or occupational disease*. ~~[disability related to work.]~~
2. A temporary assignment offered pursuant to subsection 1 must be terminated **when one of the following occurs:**
  - (a) Ninety days ~~[after the date on which the employee accepts the assignment]~~ *have elapsed from the date on which the employee began the assignment;*
  - (b) ~~[When the]~~ *The* employee’s treating physician or chiropractor certifies that the employee has permanent restrictions that prevent him from returning to his regular position;
  - (c) ~~[When the]~~ *The* assignment is no longer available;
  - (d) ~~[When the]~~ *The* employee’s treating physician or chiropractor certifies that the employee ~~[is capable of performing]~~ *can perform* the duties of his regular position; **or**

- (e) ~~[When the employee's claim for compensation for the disability that is filed pursuant to NRS 616C.020 or 617.344 is denied pursuant to NRS 616C.065 or 617.356; or~~
- ~~[(f) When the]~~ **The** employee terminates his employment or retires~~[, whichever occurs earlier].~~
3. ***If a workers' compensation claim is denied the temporary assignment can be terminated at the discretion of the appointing authority.***
4. An appointing authority may offer an employee who has a ~~[disability related to work an]~~ ***work-related restriction imposed by the employee's treating physician or chiropractor one subsequent*** ~~[an additional]~~ temporary assignment if:
- (a) ~~[The employee has returned to work at his regular position and is temporarily unable to perform the duties of that position]~~ ***The recovery period for the work-related injury or occupational disease continues to prevent the employee from performing the duties of his regular position, and ;***
- (b) ***The employee is performing at least 51% of the duties of his regular position, or;***
- ~~[(b)](c)~~ ~~[The period for recovering from a subsequent treatment for the same disability prevents the employee from continuing to perform the duties of his regular position; and]~~ ***The employee returned to work at his regular position but again becomes temporarily unable to perform the duties of his position due to restrictions imposed by the employee's treating physician or chiropractor because of the work-related injury or occupational disease.***
- ~~[(e)]~~5. The additional temporary assignment ~~(is)~~ ***must be*** recommended by the appointing authority's insurer.
- ~~[4.]~~6. Any additional temporary assignment must be limited to the time set forth in subsection 2.
- ~~[5. As used in this subsection, "insurer" has the meaning ascribed to it in NRS 616A.270.]~~
7. ***An employee with a work-related injury or occupational disease may be required to submit to a medical examination pursuant to the requirements set forth in NRS 616C.140 or 617.370 if the treating physician or chiropractor does not approve a temporary assignment.***

(Added to NAC by Dep't of Personnel, eff. 7-1-94)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, simplifies language and sentence structure. Subsections 4 and 5 were moved from subsections 1 and 2 of NAC 284.6006 as they relate to temporary assignments.

**NAC 284.6008 Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority.** (NRS 284.065, 284.155, 284.327)

1. A temporary assignment offered to an employee pursuant to NAC 284.6004 must be located less than 25 miles from the location of his regular position; unless the employee accepts a temporary assignment in a different geographical location.
2. A temporary assignment offered to an employee must be under the jurisdiction of the employee's appointing authority if such an assignment is available. If ~~[it is]~~ **such an assignment is** not ~~[so]~~ available, the appointing authority shall contact the ***Risk Management Division of the Department of Administration or the appropriate workers' compensation office of the Nevada System of Higher Education and the Department of Personnel*** and determine if ~~[a]~~ **an appropriate** temporary assignment ~~[that is modified according to the limitations or restrictions imposed on the employee's ability to work]~~ is available under the jurisdiction of another appointing authority.
3. If the employee is offered a temporary assignment under the jurisdiction of another appointing authority:
  - ~~(a) The~~ ***the employee shall be deemed to remain in his regular position as the*** temporary assignment does not constitute a transfer to ~~[the]~~ ***that*** position ~~[under the jurisdiction of the other appointing authority.~~
  - ~~(b) The employee shall be deemed to remain in his regular position.~~
  - ~~(c) The employee's original appointing authority is responsible for the payment of the employee's pay.]~~
4. ***For the duration of the temporary assignment, the duties assigned to the employee may not be used as a basis to:***
  - (a) Reclassify the employee's regular position.***
  - (b) Reallocate the class in which the employee is employed.***
5. ***An employee who accepts a temporary assignment offered pursuant to NAC 284.6004 is entitled to receive the pay he received for his regular position for the number of hours he works or is on paid leave during the temporary assignment. The appointing authority at the time of the injury or occupational disease will continue to pay the employee for the duration of the temporary assignment.***  
(Added to NAC by Dep't of Personnel, eff. 7-1-94; A by R147-01, 1-22-2002)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, replaces the phrase “disability related to work” with “work-related injury or occupational disease” making it consistent with NAC 286.600. It removes language that is redundant to federal regulations.

**NAC 284.6012 Temporary assignment: Effect of family and medical leave.** (NRS 284.065, 284.155, 284.327, 284.345) Except as otherwise provided by the Family and Medical Leave Act, an employee who is granted family and medical leave because a ~~[disability related to work]~~ **work-related injury or occupational disease** prevents him from performing one or more of the essential duties of his regular position:

1. May not be required to accept a temporary assignment offered pursuant to NAC 284.6004 ~~[in lieu of continuing on the family and medical leave that has been authorized by his appointing authority].~~
2. May voluntarily accept a temporary assignment pursuant to NAC 284.6004. An employee who voluntarily accepts such a temporary assignment retains the right to be returned to the position he held before the temporary assignment or an equivalent position pursuant to the Family and Medical Leave Act ~~[until the time served in the temporary assignment plus any family and medical leave taken during a rolling 12-month period pursuant to NAC 284.5811 exceeds 12 workweeks].~~

(Added to NAC by Dep’t of Personnel, eff. 7-1-94; A 11-16-95; R082-00, 8-2-2000)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, replaces the phrase “disability related to work” with “work-related injury or occupational disease” making it consistent with NAC 286.600. Other changes simplify the language and correct an NRS reference.

**NAC 284.6013 Determination of date on which employee sustained permanent disability related to work.** (NRS 284.065, 284.155) For the purposes of NAC 284.6013 to 284.6019, inclusive, *the effective date* an employee shall be deemed to have ~~[sustained]~~ a permanent disability arising from a ~~[disability related to work on the date on which]~~ **work-related injury or occupational disease is the date** the insurer ~~[first causes notice to be delivered]~~ **delivers notice** to ~~[him]~~ **the employee** stating ~~[that]~~ his treating physician or chiropractor has informed the insurer pursuant to **NRS 616C.490** ~~[NRS 616.590 that]~~ the employee has permanent ~~[physical]~~ restrictions which prevent him from returning to work in his regular position.

(Added to NAC by Dep’t of Personnel, eff. 3-1-96; A by R197-99, 1-26-2000)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies the current regulation. Subsection 3 is deleted because it is redundant to language in the reemployment list section and deletes and revises subsection 4 to clarify which party is responsible for submitting each document. The change also clarifies that the Nevada System of Higher Education has a separate workers' compensation office.

**NAC 284.6014 Eligibility of employee with permanent disability for reemployment.  
(NRS 284.155, 284.345)**

1. An employee is eligible for reemployment under this section if:
  - (a) He is a permanent employee;
  - (b) He would otherwise have continued in his regular position;
  - (c) He is unable to perform the essential functions of his regular position, even with reasonable accommodation, because he has ~~[\a]~~ permanent ~~[disability]~~ **work restrictions** arising from a ~~[disability-related-to-work]~~ **work-related injury or occupational disease**;
  - (d) The Risk Management Division of the Department of Administration **or the appropriate workers' compensation office of the Nevada System of Higher Education** receives notification from the insurer **or claims administrator** certifying that ~~[the]~~:
    1. **The** employee has a medical condition which, in the opinion of ~~[the medical advisor to]~~ the insurer, will result in a permanent partial disability;
    2. ~~[(e) The Risk Management division of the Department of Administration receives notification from the insurer certifying that the]~~ **The** employee has permanent ~~[physical]~~ **work** restrictions as a result of his permanent disability and that he is eligible for **workers' compensation** vocational rehabilitation benefits;
    3. ~~[(f) The Risk Management division of the Department of Administration receives notification from the insurer certifying that the]~~ **The** employee's claim for benefits from the insurer is not being contested through the ~~[hearing and]~~ appeal process provided pursuant to chapters 616A to 617, inclusive, of NRS;

and
  - (e) ~~[(g) He]~~ **The employee** submits to the Department of Personnel a completed **State of Nevada Employment Application** ~~[job development form supplied by the Department]~~ not later than 30 days after the date ~~[on which he sustained his permanent disability]~~ **the employee was deemed to have a permanent partial disability**.
2. **For the purpose of job development and reemployment:**
  - (a) **The appointing authority must submit to the Department of Personnel a calculation of seniority credits on the form prescribed by the department.**
  - (b) **The workers' compensation vocational rehabilitation counselor shall provide to the Department of Personnel any necessary information relating to the permanent work-related restrictions.**

*(c) The employee must be able to perform the essential functions, with or without accommodation, of the position to which he is reemployed.*

- [2.]3. A person is entitled to reemployment under this section only within the department that employed him at the time he sustained his permanent disability [- Such entitlement to reemployment applies] **and** to the class and option of his regular position and to any class for which the employee qualifies that does not exceed the grade level of his regular position.
- ~~[3. A person is entitled to reemployment under this section only in a full-time position if his regular position was on a full-time basis. A person whose regular position was on a part-time, seasonal or intermittent basis only is entitled to reemployment on the same basis as his regular position. A person who is entitled to reemployment on a full-time basis may be reemployed on either a full-time or part-time basis, as appropriate, based on his permanent physical restrictions as certified by the insurer.~~
4. ~~The employee, his appointing authority and his vocational rehabilitation counselor shall provide any necessary information for job development and reemployment on the forms prescribed by the Department of Personnel.]~~

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2000)

<p><b>Explanation of Proposed Change:</b> This amendment, proposed by the Department of Personnel, replaces the phrase “disability related to work” with “work-related injury or occupational disease” making it consistent with NAC 286.600.</p>
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**NAC 284.6015 Risk management division to provide certain information regarding permanent disability of employee to department of personnel and appointing authority. (NRS 284.155, 284.345)** The Risk Management Division of the Department of Administration shall provide to the Department of Personnel and to an employee's appointing authority the following information regarding the employee when the information becomes known to the Division:

1. The date on which the employee sustained a permanent disability arising from a ~~[disability related to work]~~ **work-related injury or occupational disease**;
2. The date on which the employee will no longer be eligible for vocational rehabilitation benefits;
3. Any written agreement signed by the employee for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits; and
4. Any determination by the insurer that the employee is not entitled to compensation for a permanent partial disability.

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2004)



**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, changes language to make it consistent with other sections in this chapter and corrects a grammatical error. Additionally, a reference is added for clarification.

**NAC 284.6019 Limitations on eligibility for reemployment of person with permanent disability . (NRS 284.065, 284.155, 284.305)**

1. Except as otherwise provided in NAC 284.6018, a person is no longer eligible for reemployment pursuant to NAC 284.6014:
  - (a) If he signs a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits, unless such an agreement is subsequently rescinded in the manner set forth in NRS 616C.595;
  - (b) When he is no longer eligible for vocational rehabilitation benefits;
  - (c) When it is determined that the employee is not entitled to compensation for a permanent partial disability or vocational rehabilitation benefits;
  - (d) If he accepts an offer of employment with the State of Nevada or another employer which accommodates his permanent ~~[physical]~~ **work** restrictions or he is otherwise unavailable for employment;
  - (e) If he declines an offer of employment which accommodates his permanent ~~[physical]~~ **work** restrictions and which is located in the same geographical location as his regular position;
  - (f) If he is dismissed from the position ~~[for]~~ **in** which he is reemployed for disciplinary reasons or because he retires;
  - (g) If he states his intention not to seek reemployment; or
  - (h) On or after the one year anniversary of the date on which he sustained his permanent disability **as defined in NAC 284.6013**.
2. Reemployment rights must not be offered more than one time for the same disability related to work.
3. As used in this section, "geographical location" has the meaning ascribed to it in NAC 284.612.

(Added to NAC by Dep't of Personnel, eff. 3-1-96)

**Explanation of Proposed Change:** The Department of Personnel is recommending NAC 284.6006 be repealed and the entire section be incorporated into NAC 284.6008 relating to temporary assignments.

**NAC 284.6006 Temporary assignment: Compensation; effect of duties assigned.**  
(NRS 284.065, 284.155, 284.175, 284.327)

- ~~[1. An employee who accepts a temporary assignment offered pursuant to NAC 284.6004 is entitled to receive the base rate of pay he received for his regular position for the number of hours he works or is on paid leave during the temporary assignment.—~~
- ~~2. For the duration of the temporary assignment, the duties assigned to the employee may not be used as a basis to:~~
- ~~—(a) Reclassify the employee's regular position.~~
- ~~—(b) Reallocate the class in which the employee is employed.]~~
- (Added to NAC by Dep't of Personnel, eff. 7-1-94)

**Explanation of Proposed Change:** The Department of Personnel is proposing NAC 284.601 be repealed. Subsections one and two are repealed because they are redundant to language in NAC 284.6004. Subsection 3 is repealed because it is added to the proposed language for NAC 284.6004.

**NAC 284.601 Temporary assignment: Accommodation of limitations or restrictions on employee's ability to work; duties of appointing authority; requirement of medical examination under certain circumstances.** (NRS 284.065, 284.155, 284.327)

- ~~[1. A temporary assignment offered to an employee pursuant to NAC 284.6004 must accommodate the limitations or restrictions imposed on the employee's ability to work by the employee's treating physician or chiropractor, as set forth in the physical assessments required pursuant to NAC 284.6002.~~
- ~~2. An appointing authority shall:~~
- ~~(a) Prepare a description of the duties of a temporary assignment to be offered to an employee with a disability related to work. The temporary assignment must be approved, in writing, by the employee's treating physician or chiropractor before it is offered to the employee.~~
- ~~—(b) Obtain the prior written approval of the employee's treating physician or chiropractor before making any changes in the duties of the temporary assignment that may not accommodate the limitations or restrictions imposed on the employee's ability to work.~~
- ~~3. An employee with a disability related to work may be required to submit himself for medical examination pursuant to the requirements set forth in NRS 616C.140 or 617.370 if his treating physician or chiropractor does not approve a temporary assignment to be offered to the employee.]~~

(Added to NAC by Dep't of Personnel, eff. 7-1-94)

**Explanation of Proposed Change:** The Department of Personnel proposes that this section be repealed because it is redundant to the Federal FMLA regulations.

**NAC 284.6016 Family and medical leave for certain disabled employees.** (NRS 284.065, 284.155, 284.305, 284.345) ~~[An employee who has a disability related to work that prevents him from performing one or more of the essential functions of his regular position may remain on family and medical leave as authorized by his appointing authority until his entitlement to such leave is exhausted. If the employee is eligible for reemployment pursuant to NAC 284.6014, he voluntarily may seek reemployment while he is on family and medical leave]~~

(Added to NAC by Dep't of Personnel, eff. 3-1-96)

## SEPERATIONS FROM SERVICE

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies that there is an expectation for the employee to give two weeks notice at the time of resignation. A new provision allows the appointing authority to make a note in the employee's record for failure to provide sufficient notification of resignation.

### **NAC 284.602 Resignations. (NRS 284.065, 284.155, 284.381)**

1. ~~[An employee who desires to resign may do so by notifying the appointing authority in writing of the reason for the resignation and its effective date.~~
2. ~~The employee must attempt to submit his resignation at least 2 weeks before he leaves.~~

To resign, an employee must attempt to submit his resignation in writing at least two weeks before he resigns, unless the appointing authority and employee agree to a shorter period of time. He must notify the appointing authority of the reason for resignation and its effective date. If notice is not received two weeks before the effective date of the resignation, the appointing authority may note the insufficient notice in the employee's file.

- [3.] 2. The appointing authority shall report and the employee shall acknowledge the resignation to the department of personnel on a form provided by the Department of Personnel. The form must contain a statement of the employees right to revoke his resignation pursuant to NRS.284.381. *The appointing authority has the option of approving a request to withdraw a resignation that is made after three business days.*

*[Personnel Div., Rule XIII § A subsec. 1, eff. 8-11-73; A 2-5-82; Rule XIII § A part subsec. 2, eff. 8-11-73; A 4-14-76; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 12-17-87; R043-99, 9-27-99)*

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, adds NAC titles for reference. The amendments to the language more clearly reflect the actual practices of the agency when dealing with the employee and the Rehabilitation Division when employees are referred. The Rehabilitation does *not* make suggestions regarding restructuring of the position. Finally, “annual leave” is removed because it is included in “approved leave”.

**NAC 284.611 Separation for physical, mental or emotional disorder.** (NRS 284.065, 284.155, 284.355)

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his job, the appointing authority must:
  - (a) Verify with the employee’s physician *or an independent medical evaluation paid for by the appointing authority* that the condition *is not expected to, or* does not respond to treatment or an extended absence from work will be required;
  - (b) Determine whether reasonable accommodation can be made to enable the employee to perform the essential functions of his job;
  - (c) Make a request to the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation ~~[for the use of]~~ *to obtain* the services provided by that Division, or if the employee is receiving workers’ compensation, request the services of the rehabilitation ~~[agency of the insurer]~~ *provider*, to evaluate the employee’s condition ~~[as it relates to his job, to suggest possible restructuring of the job]~~ and to provide any ~~[other]~~ rehabilitative services possible; and
  - (d) Ensure that all reasonable efforts have been made to retain the employee.
2. A separation is only justified when:
  - (a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;
  - (b) The employee is not on sick leave ~~[annual leave]~~ or other approved leave; and
  - (c) *After a referral to the Public Employees’ Retirement System and the* ~~[The]~~ employee is ineligible for, or has refused, disability retirement.
3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656, *Notice of Hearing*, must be followed, and he may appeal his separation to the hearing officer.
4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386, *Separation without prejudice; reinstatement*, if he recovers from the disorder within 2 years after his termination.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92; R197-99, 1-26-2000; A by Personnel Comm’n by R182-03, 1-27-2004)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, simplifies and clarifies the regulations intent. Additionally, NAC and NRS titles are added for reference. Subsection 4 is added to explain that within the Department of Health and Human Services and within the Nevada System of Higher Education, a division is considered a department

**NAC 284.614 Layoffs: Procedure.** (NRS 284.065, 284.155, 284.380)

1. Except as otherwise provided in NAC 284.425 *Temporary positions*, if it becomes necessary for a classified employee to be laid off because of a shortage of work or money, the abolition of a position, or some other material change in duties or organization:
  - (a) The director of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the Department of ~~[Human Resources]~~ *Health and Human Services* and the ~~[University and Community College System of Nevada]~~ *Nevada System of Higher Education*, the administrator of a division[,]  
*may be designated to make these determinations* with the approval of the director of the department . ~~[, shall determine in what geographical location, class series, class and option the reduction of staff will have the least detrimental effect on operations and shall specify the layoffs accordingly]~~
  - (b) Within the department, ~~[and within the]~~ geographical location, class series, class and option selected, all employees of the department who are not permanent must be separated from service before any permanent employees in the following order:
    - (1) Emergency employees.
    - (2) Temporary employees.
    - (3) Provisional employees.
    - (4) Probationary employees.
  - (c) If additional reductions are necessary, permanent employees must be laid off on the basis of seniority *pursuant to NAC 284.632, Layoffs: Calculation of seniority.*
  - (d) In the department, ~~[and within the]~~ geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off, transferred as set forth in subsection 2 or voluntarily demoted as set forth in NAC 284.618, *Layoffs: Voluntary demotions.*
  - (e) ~~[For the purposes of this subsection, an]~~ *An* appointing authority may consider ~~[whether positions are full time or part time and limit]~~ *limiting* layoffs to full-time or part-time employees. Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.361, *Use of lists and consideration of eligible persons.*
2. If a permanent employee must be laid off for one of the reasons set forth in subsection 1, the appointing authority ~~[of the employee]~~ shall notify the employee that ~~[the employee]~~ *he* may choose to:
  - (a) Transfer within his department, class and option into the position of the employee in his department, class and option with the least seniority;

- (b) Be voluntarily demoted as set forth in NAC 284.618; or
- (c) Exercise his reemployment rights as set forth in NAC 284.630, **Layoffs: Reemployment.**

3. Within 3 working days after an employee has been notified of his choices ~~[regarding layoff, transfer and voluntary demotion]~~ pursuant to subsection 2, ~~[the employee]~~ **he** must designate in writing to the appointing authority the choice ~~[that the employee]~~ **he** will exercise.

**4. For the purposes of this section, divisions of the Department of Health and Human Services and the Nevada System of Higher Education are considered departments.**

[Personnel Div., Rule XIII § B subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies the current regulation and does not make any substantive changes. Agency names were changed in keeping with NRS.

**NAC 284.618 Layoffs: Voluntary demotions.** (NRS 284.065, 284.155, 284.175, 284.380)

1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted **to a vacant position or displace an employee** within the department and geographical location where employed to one of the next lower classes:

(a) Within his current class series and option ~~[and may displace an employee therein];~~  
or

(b) Within the class series and option from which he was appointed **to his current position** during current continuous service ~~[and may displace an employee therein but]~~ only if he cannot be demoted pursuant to paragraph (a).

For the purposes of this subsection, divisions of the Department of **Health and Human [Resources] Services** and the ~~[University and Community College System of]~~ Nevada **System of Higher Education** are considered departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority. If an employee chooses to displace another, he must displace the member of the next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.

3. The employees displaced reestablish the layoff class.

4. An employee may choose to displace another only if he meets the minimum qualifications for the class, option and position ~~[from which the other will be displaced]~~. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection 2 of NAC 284.361.

5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.

6. Displacement is always a ~~[downward]~~ movement **to a lower class** ~~[, never a lateral movement]~~.

7. A current employee who elects to displace another employee has priority over former employees already on reemployment lists.
8. The pay of the employee who is taking a voluntary demotion cannot exceed the highest step for the class to which the employee is being demoted. If the current pay falls within the lower rate range, no reduction in pay may occur unless money is not available as certified by the Chief of the Budget Division of the Department of Administration or, in the case of an agency which is not supported from the State General Fund, as certified by the administrator of that agency.

[Personnel Div., Rule XIII § B subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; R146-01, 1-18-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, updates language used in current practice and makes changes to simplify the language.

**NAC 284.626 Layoffs: Notice.** (NRS 284.065, 284.155, 284.380) All permanent employees to be laid off must be given written notice of the layoff at least 30 calendar days before the effective date of the layoff. A copy of the *seniority calculations* ~~[layoff computations]~~ and ~~a copy of the~~ *layoff* notice must be sent to the Department of Personnel. The notice must specifically list the positions and locations where the ~~[that]~~ employee has a current right to displace another employee, if those positions and locations are known at the time of notification.

[Personnel Div., Rule XIII § B subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-1-91)

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, streamlines and simplifies the language. There are no substantive changes.

**NAC 284.630 Layoffs: Reemployment.** (NRS 284.065, 284.155, 284.250, 284.380)

1. ~~[The names]~~ **Names** of permanent employees who have received a ~~[their notices of layoff]~~ *layoff notice* will be placed on the statewide reemployment list for the class and option of the position involved in the layoff, in order of seniority. ~~[If applicable, the names will be integrated with the names of employees who are eligible for reemployment pursuant to NAC 284.6014. The agency and the employee shall provide the necessary information for reemployment on the form prescribed by the Department of Personnel for the employee to be placed on the reemployment list.]~~
2. ~~[The names]~~ **Names** of permanent employees who have received a ~~[their notices of layoff]~~ *layoff notice* will also be placed on the statewide reemployment list for other classes for which they qualify *at or below the class held at the time of layoff*, in order of seniority. ~~[but behind those identified in subsection 1., if those classes do not respectively exceed the level of the class from which the employee was laid off. If applicable, the names will be integrated with the names of employees who are eligible for reemployment pursuant to NAC 284.6014.]~~

3. ~~[It is the affected]~~ *The employee*~~[’s responsibility to]~~ *shall provide an employment application and a list of classes and options they are seeking for reemployment to the Department of Personnel* ~~[demonstrate his interest in, and qualifications for, the classes for which reemployment is sought within 30 days after the layoff date. [of set for his layoff.]]~~ *The agency shall provide the seniority calculations to the Department of Personnel.*

4. *Names will be integrated with employees who are eligible for reemployment pursuant to NAC 284.6014, Work related injuries.*

~~[3.]~~ 5. Part-time employees ~~[are not entitled to]~~ *must not* be reemployed in full-time positions and full-time employees ~~[are not entitled to]~~ *must not* be reemployed in part-time positions.

~~[4.]~~ 6. Seniority must be projected and counted up to the ~~[established]~~ layoff date, or transfer date if the provisions of subsection 4 of NAC 284.394, *Declining an Involuntary Transfer*, apply. Seniority determines ranking on all reemployment lists~~[The amount of seniority]~~ *and* will not be recalculated unless the ~~[holder]~~ *employee* is affected by a subsequent layoff.

~~[5.]~~ 7. Each person on the list retains *reemployment* eligibility for ~~[appointment therefrom for]~~ 1 year from the *layoff* date ~~[he was laid off]~~. Except as otherwise provided in this section, reemployment rights are exhausted when a person accepts or declines an offer of employment in the class or a comparable class with the same grade ~~[from]~~ *in* the department and geographical location *of the layoff*. ~~[from which he was laid off.]~~ Any exception to this provision ~~[may be made only if]~~ *must be* approved by the Department of Personnel. When a person accepts a position at a grade lower than that held at the time of layoff, his name will be removed from all reemployment lists that are equal to or below the grade accepted.

~~[6.]~~ 8. A permanent employee who has been laid off and is being reemployed in the department, class and option from which he was laid off must have his permanent status restored. A permanent employee who is reemployed in a different class or in a different department ~~[than from which laid off]~~ shall serve a new probationary period. If the employee does not complete the probationary period, his name must be restored to the appropriate reemployment list for any remaining part of the year following the *layoff date*. ~~[date on which he was laid off.]~~ When the right to reemployment expires, the person affected retains his right to reinstatement or reappointment pursuant to NAC 284.386 or 284.404~~[, respectively]~~.

[Personnel Div., Rule XIII § B subsec. 6, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; 11-12-93; 3-1-96; A by Personnel Comm’n by R183-03, 1-27-2004)



**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, makes no substantive changes; they are intended to clarify the language and make it easier to understand. Subsection 4 is removed because it is redundant. Subsection 6 is removed; the definition is added to the individual subsections for which it applies.

**NAC 284.632 Layoffs: Calculation of seniority.** (NRS 284.065, 284.155, 284.335, 284.380)

1. For the purposes of calculating an employee's seniority for NAC 284.614, 284.618 and 284.630:
  - (a) Except as otherwise provided in this section, the total number of years of continuous full-time equivalent service up to the effective date of the layoff must be included.
  - (b) Except as otherwise provided in subsection 2, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 5 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of layoff:
    - (1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in ~~[a year]~~ ***the period preceding the layoff equal to 12 months of full-time equivalent service;***
    - (2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in ~~[a year]~~ ***the period preceding the layoff equal to 12 months of full-time equivalent service;*** and
    - (3) Any time covered by a report on performance which rated the employee below standard ~~[except that no report on performance may be considered for the time covered within 75 calendar days before the notification of layoff was issued]~~ ***excluding evaluations received within 75 calendar days of notice of layoff.***
2. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 1:
  - (a) The reduction may not include:
    - (1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to NAC 284.580;
    - (2) A leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; or
    - (3) A military leave of absence pursuant to NRS 284.359.
  - (b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his pay class designation.
3. Except as otherwise provided in subsection 4, if seniority is otherwise equal, seniority must be determined in the following order:
  - (a) Total time within the occupational group;
  - (b) Total time within the department; and
  - (c) By lot.

4. ~~[For the purposes of reemployment, if seniority is otherwise equal, seniority must be determined by lot.]~~

5.] A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of layoff. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

(a) Only to determine which employees will receive a layoff notice and not for the placement of those employees on the reemployment list; and

(b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 1.

~~[6. As used in subparagraphs (1) and (2) of paragraph (b) of subsection 1, "year" means a period equal to 12 months of full time equivalent service measured backward from the date of the notification of layoff.]~~

(Added to NAC by Personnel Comm'n by R096-03, eff. 10-30-2003; A by R182-03, 1-27-2004)